

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

-----		X
PJM INTERCONNECTION, L.L.C., directly and)	
derivatively on behalf of Power Edge, LLC,)	
)	
Plaintiff,)	C. A. No. 08-216-JJF
v.)	
)	
MARK GORTON, TOWER RESEARCH CAPITAL)	
LLC, TOWER RESEARCH CAPITAL)	
INVESTMENTS LLC, ACCORD ENERGY LLC, BJ)	
ENERGY LLC, FRANKLIN POWER LLC, GLE)	
TRADING LLC, OCEAN POWER LLC, PILLAR)	
FUND LLC and POWER EDGE LLC,)	
)	
Defendants.)	
-----		X


MOTION TO DISMISS UNDER RULES 9(b), 12(b)(1), 12(b)(5) AND 12(b)(6)

Defendants Mark Gorton, Tower Research Capital LLC, Tower Research Capital Investments LLC, Accord Energy LLC, BJ Energy LLC, Franklin Power LLC, GLE Trading LLC, Ocean Power LLC, Pillar Fund LLC and Power Edge LLC, by and through their undersigned counsel, respectfully move this Court for an Order dismissing the Complaint. The grounds for this Motion are set forth in Defendants' Opening Brief in Support of Their Motion to Dismiss Under Fed. R. Civ. P. 9(b), 12(b)(1), 12(b)(5) and

12(b)(6) and the Declaration of Richard J.L. Lomuscio filed contemporaneously herewith.

OF COUNSEL:

David B. Tulchin
Richard J.L. Lomuscio
Brian L. Frye
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
(212) 558-4000



Jesse A. Finkelstein (#1090)
Daniel A. Dreisbach (#2583)
Steven J. Fineman (#4025)
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
920 North King Street, P.O. Box 551
Wilmington, DE 19801
(302) 651-7700
finkelstein@rlf.com
dreisbach@rlf.com
fineman@rlf.com

Attorneys for Defendants

May 7, 2007

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:


BY HAND DELIVERY

Collins J. Seitz, Jr., Esquire
Max B. Walton, Esquire
Connolly Bove Lodge & Hutz LLP
The Nemours Building
1007 North Orange Street
8th Floor
P.O. Box 2207
Wilmington, DE 19899

I hereby certify that on May 7, 2008, I have sent by Federal Express, the foregoing document to the following non-registered participant:

BY FEDERAL EXPRESS

Eric N. Macey, Esquire
Novack & Macey LLP
100 North Riverside Plaza
Chicago, IL 60606-1501


Steven J. Fineman (#4025)
Richards, Layton & Finger, P.A.
One Rodney Square
P.O. Box 551
Wilmington, Delaware 19899
(302) 651-7700
fineman@rlf.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

----- X	
PJM INTERCONNECTION, L.L.C., directly and)
derivatively on behalf of Power Edge, LLC,)
)
Plaintiff,)
v.)
)
MARK GORTON, TOWER RESEARCH CAPITAL)
LLC, TOWER RESEARCH CAPITAL)
INVESTMENTS LLC, ACCORD ENERGY LLC, BJ)
ENERGY LLC, FRANKLIN POWER LLC, GLE)
TRADING LLC, OCEAN POWER LLC, PILLAR)
FUND LLC and POWER EDGE LLC,)
)
Defendants.)
----- X	

C. A. No. 08-216-JJF

ORDER

Having considered the Motion to Dismiss the Complaint of Mark Gorton, Tower Research Capital LLC, Tower Research Capital Investments LLC, Accord Energy LLC, BJ Energy LLC, Franklin Power LLC, GLE Trading LLC, Ocean Power LLC, Pillar Fund LLC and Power Edge LLC,

IT IS HEREBY ORDERED this ____ day of _____, 2008, that the Motion is GRANTED and this action is dismissed with prejudice.

United States District Judge